



WEB COPY



C.R.P(PD)No.3277 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2025

CORAM :

THE HON'BLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD) No.3277 of 2022
and C.M.P.No.17436 of 2022

R.Arulanandham (Died)

1.A.Rajam
W/o.Late R.Arulanandham

2.Nirmala Selvam
W/o.Kumarasamy Selvam
D/o. Late R.Arulanandham

3.A.Ravi
S/o. Late R.Arulanandham

4.S.Kalaiselvi
W/o.A.Suresh
D/o.Late R.Arulanandham

(Cause title accepted vide Court order
dt.22.09.2022 made in CMP.9678 of
2022 in CRP.SR.58801 of 2022 by SSJ)

... Petitioners

Vs.

S.Indirani
W/o.B.Saravanan

... Respondent



C.R.P(PD)No.3277 of 2022

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Final Order dated 22.03.2022 passed by the learned II Additional District Judge, Salem in I.A No.1 of 2020 in O.S No.395 of 2019.

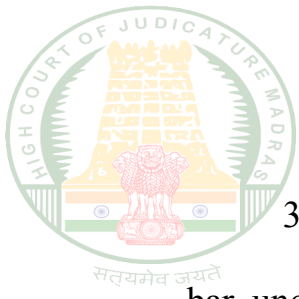
For Petitioners : [Mr.A.Sriram](#)
for Mr.L.Mouli

For Respondent : [M/s.Zeenath Begam](#)

ORDER

Heard [Mr.A.Sriram](#) for L.Mouli for the petitioner and Mrs.Zeenath Begum for the respondent.

[2.O.S.No.395](#) of 2019 on the file of the Additional District Judge, Salem, is a suit for redemption. In the said suit, the document dated 27.05.2009 was marked as Ex.A1. The plaintiff claims it is a usufructuary mortgage. The defendant / Civil Revision Petitioner filed an application in [I.A.No.1](#) of 2020 stating that said document has to be eschewed as it is an unregistered and unstamped document. The learned II Additional District Judge, Salem would have nothing of that application. She dismissed the same. Hence the Revision.



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3. An unstamped document cannot be received in evidence as there is a bar under Section 35 of the Indian Stamp Act, 1899. Section 35 has an exemption which is provided under Section 36. If a document has already been received and admitted in evidence, the party who ought to have objected to the same at the time of exhibiting the document and did not do so, will not be permitted to argue that the same is unregistered and unstamped and therefore should not be received in evidence. The document under Ex.A1 having been received and marked as such, the Civil Revision Petitioner / Defendant would have to argue about the merits of the document. He cannot seek for “eschewing” the document. I do not find any reason to take a different view that has been taken by the learned II Additional District Judge, Salem.

4. In the result, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

19.06.2025
(2/2)

kas
Index: Yes / No
Neutral Citation



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To.

1. II Additional District Judge
Salem



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V.LAKSHMINARAYANAN, J.

kas

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(2/2)

19.06.2025